IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4180 OF 2004

Shevanta Mahari Kale & Others .. Applicants.

V/s.

Sau Chhaya Ramakrishna Kale & Anr. .. Respondents.

Mr.Ujwal Patil i/by. Anilkumar Patil for the applicant.
Mr.P.S. Hingorani, APP for the respondent-State.

CORAM : NARESH H. PATIL, JJ.

DATED : 28TH JULY, 2006.

P.C. :

Heard Mr.Ujwal Patil and the APP.

2. The complaint was filed by Sau.Chhaya Ramakrishna Kale on May 17, 1999 for an offence punishable under Section 494 read with 34 of the Indian Penal Code. It is stated that the Trial Court issued process on June 1, 1999 against the original accused Nos.1 to 8, 10 to 13, 18, 19, 20 under Section 494 read with 34 of the Indian Penal Code. The criminal revision application preferred by the applicant was dismissed by the IInd Additional Sessions Judge, Malegaon vide its order dated 17th September, 2003.

3. The counsel for the applicant states that the complaint does not disclose any commission of an offence

punishable under Section 494 read with 34 of the Indian Penal Code and considering the nature of allegations, no case is made out for issuance of process.

4. Perusal of the complaint and the order passed by the IInd Additional Sessions Judge, Malegaon shows that prima facie case was made out by the complainant for issuance of process.

5. The contentions on merits of the matter need not be gone into in exercise of inherent powers of this Court. I do not find the impugned order to be erroneous for causing interference. The application stands rejected.

(NARESH H. PATIL, J.)